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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,076	01/15/2004	Tapani Tirkkonen	881B.0008.U1(US)	1903
29683	7590	09/01/2004	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			SPISICH, MARK	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,076	<b>Applicant(s)</b> TIRKKONEN ET AL.	
	<b>Examiner</b> Mark Spisich	<b>Art Unit</b> 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application(s) filed in Finland on 18 July 2001 and 24 May 2002. It is noted, however, that applicant has not filed a certified copy of the Finnish applications as required by 35 U.S.C. 119(b).

### ***Drawings***

2. The drawings are objected to because (1) section lines should be a numeric character corresponding to the sectional view (eg, A-A should be either 3-3 or III-III); and (2) figures 1-2 seem to be incorrect when looking at figures 4-5 in that if the ends of the frame (the guide 3) extends down at each end of the blade then you wouldn't see the black blade at the ends thereof in figures 1-2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so

as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the varying thickness of the wiper part (claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification and drawings, especially in view of the fact that the present implement is not particularly complex, is vague and confusing. As pointed out above, figures 1 and 2 do not appear to be consistent with figures 4 and 5. It would also help if it were clearly stated that figures 4 and 5 represent an end view (looking from the leading edge of the blade toward the handle). Also, some of the language used in both the specification (and claims) is simply ambiguous. What does "sideways mainly at the same point" (page 4, line 8 and claim 1, lines 6-7) mean?

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is the "frying draw" and the "water run" (claim 1, line 4)? Claim 1 does not clearly provide antecedent support for the edges of the wiper part and the frame part to support their recitation in lines 5-6 of claim 1. Also, "sideways mainly at the same point" (claim 1, lines 6-7) is just plain confusing. Claim 1 did not define the "guide" in a manner which would provide for plural such members (as

is recited in claim 2). "Edge part" (claim 3, lines 4-5) lacks antecedent. "Front edge" and "edge part" and "attaching part" (claim 5, line 2) lack antecedent. Applicant should review the claims for any additional informalities.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gayton (USP 202,101). THE CLAIMS HAVE BEEN GIVEN THEIR BROADEST

REASONABLE INTERPRETATION GIVEN THE STATE OF THE PENDING CLAIMS.

The patent to Gayton discloses a window cleaner comprising a frame part (A), wiper part (B), rubber end plates (D) which are located adjacent each end of the wiper and which read on the recited "guide" insofar as this element is defined in the claims.

9. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Derwent 1999-107579. '579 discloses a window cleaning device comprising a frame (1), wiping part (4) and further including side strips (5) at opposite ends of the frame and wiping part and which strips read on the recited "guide" as defined in the claims.

10. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Godfrey (USP 277,266). The patent to Godfrey discloses an appliance comprising a frame (A) and a rubber strip (C) as well as upstanding walls which are part of the frame

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and which are immediately adjacent the strip and which read on the recited "guides".

The recitation of the intended use fails to define over the structure of Godfrey.

11. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by CA 2,215,287. '287 discloses a window cleaner comprising a frame (2) and a wiper (4) wherein the frame includes a pair of side walls adjacent the ends of the wiper and which read on the "guides" insofar as this element is defined in the claims.

12. Claims 1,2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 19831899. '899 discloses a window cleaning appliance (1) comprising a frame (2), wiper (4) and "guides" (2V) at each end of the frame and adjacent the ends of the wiper. The front edge of the wiper (4) is also thinner at the free end thereof (claim 5).

13. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 8-98790. '790 discloses a window cleaning appliance comprising a frame (3), wiper (5) and opposed "guides" (the portions of 3b which are adjacent the ends of the wiper).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 8-98790. '790 discloses the invention substantially as claimed with the exception of the particular materials. It would have been obvious to one of ordinary skill to have made the three recited elements of the same material, since it has been held to be

within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.


### **Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patent '096 is pertinent to window cleaners which have some form of "guides" at opposite ends of the wiper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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